

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

This Document Relates To:

THE DEALERSHIP CLASS ACTION

MDL No. 2817

Case No. 18-cv-00864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffery T. Gilbert

**DECLARATION OF PEGGY J. WEDGWORTH IN SUPPORT OF DEALERSHIP
CLASS PLAINTIFFS' MOTION TO COMPEL DISCLOSURE OF CDK'S
CLAWBACK DOCUMENTS**

I, Peggy J. Wedgworth, Esq., pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a partner at Milberg Tadler Phillips Grossman LLP, and I represent Dealership Class Plaintiffs ("Dealership Plaintiffs") in the above-captioned matter as Dealership Interim Lead Class Counsel and MDL Co-Lead Counsel. I respectfully submit this declaration in support of Dealership Class Plaintiffs' Motion to Compel Disclosure of CDK's Clawback Documents ("Disclosure Motion").

2. I have personal knowledge of the matters set forth herein, and could and would testify competently thereto if called upon to do so.

3. I have been and continue to be involved in the communications and meet and confers with CDK Global, Inc. ("CDK") in regard to its June 21, 2018 letter to Dealership Plaintiffs and Authenticom, Inc. ("Authenticom") (collectively, "MDL Plaintiffs") requesting the "clawback" of 681 documents.

4. Out of the 681 total documents CDK originally requested to claw back, 675 were produced to the FTC. CDK has withdrawn its request to claw back 43 of the 675, thus Dealership Plaintiffs are requesting the disclosure 632 documents identified by CDK as privileged that it previously produced to the FTC.

5. Dealership Plaintiffs are also requesting the disclosure of 474 documents to Dealership Plaintiffs that were previously produced to Authenticom as well as the disclosure of document Bates-stamped CDK-2286595-96/CDK_CID_01937962-63 for which CDK requested clawback based upon a flawed attorney-client privilege assertion.

6. A true and correct copy of CDK's June 21, 2018 letter to MDL Plaintiffs is attached hereto as Exhibit 1.

7. A true and correct copy of MDL Plaintiffs' July 11, 2018 letter to CDK is attached hereto as Exhibit 2.

8. A true and correct copy of Dealership Plaintiffs' July 12, 2018 letter to CDK is attached hereto as Exhibit 3.

9. A true and correct copy of Dealership Plaintiffs' July 13, 2018 letter to CDK is attached hereto as Exhibit 4.

10. A true and correct copy of CDK's July 16, 2018 letter to MDL Plaintiffs is attached hereto as Exhibit 5.

11. A true and correct copy of Dealership Plaintiffs' July 17, 2018 letter to CDK is attached hereto as Exhibit 6.

12. A true and correct copy of CDK's July 20, 2018 letter to MDL Plaintiffs is attached hereto as Exhibit 7.

13. A true and correct copy of Dealership Plaintiffs' July 23, 2018 email to CDK is attached hereto as Exhibit 8.

14. A true and correct copy of Dealership Plaintiffs' and CDK's July 24, 2018 emails is attached hereto as Exhibit 9.

15. A true and correct copy of MDL Plaintiffs' July 25, 2018 letter to CDK is attached hereto as Exhibit 10.

16. A true and correct copy of CDK's July 27, 2018 letter to MDL Plaintiffs with attached hereto as Exhibit 11. The first attachment to this letter, the FTC's response to CDK's April 13, 2018 clawback is attached hereto as Exhibit 11-A. The second attachment to this letter, the FTC Production Information for Schedule A Documents in CDK's June 21, 2018 Clawback, is attached hereto as Exhibit 11-B.

17. A true and correct copy of placeholder document CDK-0059104-05 is attached hereto as Exhibit 12.

18. A true and correct copy of the Transcript of Proceedings held on April 25, 2018 – Status & Motion Before the Honorable Amy J. St. Eve is attached hereto as Exhibit 13.

19. Dealership Plaintiffs also dispute CDK's claim of attorney-client privilege with respect to document Bates-numbered CDK-2286595-96/CDK_CID_01937962-63. A true and correct copy of that document as originally produced to Dealership Plaintiffs in April 2018 is attached hereto as Exhibit 14-A. The replacement image of that document provided by CDK on June 27, 2018 is attached hereto as Exhibit 14-B.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 30, 2018

/s/ Peggy J. Wedgworth
PEGGY J. WEDGWORTH